

North Broward Hospital District Board of Commissioners
1700 Northwest 49th Street, Suite #150, Ft. Lauderdale, FL 33309

COMPLIANCE AND ETHICS COMMITTEE MEETING
Immediately Following the Pension and Investment Committee Meeting
Wednesday, February 17, 2021

The Compliance and Ethics Committee Meeting of the North Broward Hospital District was held on February 17, 2021, immediately following the Pension and Investment Committee Meeting, at the Broward Health Corporate Spectrum Location, 1700 NW 49th Street, Suite 150, Fort Lauderdale, Florida 33309.

1. **NOTICE**

Official notice and agenda of this meeting is attached to the minutes, titled EXHIBIT I and EXHIBIT II, as presented for consideration of the Committee.

2. **CALL TO ORDER**

There being a quorum present, the meeting was called to order by Chair Nancy W. Gregoire at 1:31 p.m.

3. **COMMITTEE MEMBERS**

Present:

Commissioner Stacy L. Angier,
Commissioner Marie C. Waugh,
Commissioner Ray T. Berry, Vice Chair
Commissioner Nancy W. Gregoire, Chair

Senior Leadership

Additionally Present:

Alan Goldsmith, Chief Operating Officer
Alex Fernandez, Chief Financial Officer
Linda Epstein, Corporate General Counsel
Jerry Del Amo, Deputy General Counsel

4. **PUBLIC COMMENTS**

Chair Gregoire opened the floor for public comments, in which there were none.

5. **APPROVAL OF MINUTES**

Without objection, Chair Gregoire approved the minutes, dated January 20, 2021.

Motion *carried* without dissent.

6. **TOPIC OF DISCUSSION**

- 6.1. Chief Compliance Officer Report (Presenter – Brian Kozik, Chief Compliance and Privacy Officer)

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Compliance Department Updates

- Two-Year Work Plan
 - 55 reviews scheduled: 22 for FY21 and 23 for FY22.
 - FY21.
 - 6, audits completed.
 - 9, audits in-process.
 - 40, audits pending.
- Current Audits
 - Focus Arrangements CIA Year 5 – Quarters 3 and 4
 - Completed.
 - Reporting stage.
 - Coding Review for stroke patients who underwent a mechanical thrombectomy (“coiling”) or received intravenous thrombolysis (IV) tissue-type plasminogen activator (tPA).
 - In process.
 - Objective is to ensure the coding was accurate for patients that underwent a mechanical thrombectomy.
 - Reporting stage.
 - BHMC Coding Audit for FY20
 - In process.
 - Objective is to review inpatient and outpatient coding to ensure it meets federal coding guidelines and Broward Health’s accuracy rate of 95%.
 - Reporting stage.
 - Tracking and Remuneration Audit for Employed Physician Agreements
 - In process.
 - Objective is to examine payments made during the review period and verify internal controls were effective and consistent with terms of agreement.
 - Reporting stage.
 - Clinical Trials – Broward Health Medical Center’s Institutional Review Board (IRB)
 - In process.
 - Objective is to determine if BHMC’s Institutional Review Board is following the requirements under:
 - Code of Federal Regulations, subchapter part 56 Institutional Review Boards.
 - Centers for Medicare and Medicaid Services regulations.

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- Guidelines regarding the operations of an IRB.
 - Reporting stage.
- Tracking and Remuneration for Community Care Partners
 - In process.
 - Objective is to ensure payments made are in compliance with contract terms and conditions.
 - 25% Fieldwork complete.
- Business Associate Agreement (“BAA”) System-Wide
 - In process.
 - Objective is to ensure that any outside source that handles Broward Health patient protected health information (PHI) has a properly executed and up-to-date BAA.
 - Audit period, 1/1/2017 - 12/31/2019.
 - 55% complete.
- BHN Coding Audit for FY21
 - In process.
 - Objective is to review inpatient and outpatient coding to ensure it meets federal coding guidelines and Broward Health’s accuracy rate of 95%.
 - 15%, Planning stage.
- Referral Source Arrangements and Tracking Remuneration System-Wide
 - In process.
 - Objective is to ensure payments made are in compliance with contract terms and conditions.
 - Planning stage.
- BHN Rehabilitation Unit
 - Completed.
 - External firm reviewed 50 charts from 2018-2020 to verify patients admitted were appropriate for inpatient rehab and met CMS guidelines from a documentation and billing perspective.
 - The BHN Rehabilitation Unit and the Compliance Department are currently reviewing the results to determine if any of the charts reviewed would require a refund. The Unit and Compliance are currently reviewing the results to determine if any of the charts reviewed would require a refund. In addition, Compliance is working with the Unit to determine if there is a need for any corrective action plans. Report to be shared with the Board of Commissioners.

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- SafeGuard Services Audit of Broward Health Medical Center Short Stay
 - Completed.
 - Objective is to determine whether Medicaid payments made for inpatient stays less than two days were in accordance with state and federal laws, regulations, and policies between October 1, 2014 through March 31, 2018.
 - A Final Findings Report was sent to CMS and the State on January 27, 2021. Once approved, the State will communicate with Broward Health Medical Center.
- Tabletop Exercise – Incident Breach Response and Readiness
 - Objectives
 - Develop, test, deploy, and provide training on data security and privacy policies and procedures, including breach response teams; joint incident response plans and simulations with key vendors; and training for management teams.
 - Respond to active and potential breach situations, assisting BH in responding as the situation develops.
 - Assist in post-breach remedial efforts from the legal standpoint, including strong documentation showing good practices and changes made based on the incident.
 - Respond to ransomware and other cybercrime situations.
 - David Clark, Senior Vice President, Operations, stated that hazard vulnerability is performed at all facilities and does include cyber security. Compliance Department to review reports and launch a separate tabletop exercise.
- Other Department Activities
 - 21st Century CURE Act Information Blocking Rule
 - Objective is to incentivize Broward Health to deliver patient medical information to a patient at their request and in the format in which they prefer to receive it.
 - Status: Rule goes into effect April 2, 2021. Reaching out to all vendors who handle patient health information (PHI) to notify them that they must comply and certify that they are upholding Broward Health PHI.
 - Broward Health to send vendors a letter drafted by the Legal Department stating that the vendors will comply with rules and regulations.
 - Physician Group Coding and Billing
 - Completed.

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- Objective is to manage the coding and billing internally versus using a third-party provider.
 - Status: Reviewed by Compliance to ensure guidelines are followed.
 - Recruiting an auditor to perform a review of the coders. Position to be posted.
- HIPAA Emergency Personnel and Staff
 - In process.
 - Objective is to bring Broward Sheriff's Office, emergency medical technicians (EMTs), and fire departments together to hold a round-table discussion regarding what information the Broward Health Emergency Department staff can provide while protecting the personal health information (PHI) of a person or an event which required them to obtain PHI.
 - Status: Meeting scheduled with Kelly Keys, Manager of Emergency Preparedness, on February 10, 2021 to begin the planning process.
 - Planning stage.
 - Conflict of Interest Annual Survey
 - In process.
 - Objective is to ensure that any actual and/or potential conflicts of interest are adequately managed.
 - Status: Rolling out annual survey via C360 on April 1, 2021. Reduced the number of questions this year to six for ease of reporting any potential conflicts of interest.
 - Executive Compliance Committee (ECG)
 - Last Meeting: February 16, 2021.
 - Status: Presentations held on medical management HIPAA privacy investigation process.
 - Post-CIA Activities
 - In process.
 - Status: Subcommittees continue to meet.
 - IRO Plan of Correction Subcommittee – chaired by Linda Epstein, General Counsel. Fewer than 10 corrective action plans in process.
 - Training Subcommittee – chaired by Mark Sprada, Chief Human Resources Officer. Ensures compliance training is completed through the District; includes specialized training.
 - Disclosures, HIPAA and Conflicts of Interest Subcommittee – chaired by Ana Calderon, Administrative Executive

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Director, Children's Diagnostic and Treatment Center. Focused on trends and disclosures this year.

- Sanction Screening Subcommittee – chaired by Barry Gallison, Vice President, Clinical Quality and Risk Management. Focused on ensuring Broward Health does not employ persons who are excluded from participating in Medicare/Medicaid matters.
- Auditing and Monitoring Subcommittee – chaired by Alex Fernandez, Chief Financial Officer. Focused on risk enterprise assessment this year.
- Code of Conduct and Policy Subcommittee – chaired by Tia Bauman, Associate Vice President, Corporate Service and Contracts Administration. Focused on updating HIPAA policies this year.

6.2. CIA Year 5 Annual Report Update (Presenter – Brian Kozik, SVP, Chief Compliance and Privacy Officer)

- Broward Health received OIG's response to Fifth Annual Report on January 7, 2021. Response was uploaded to the OIG's secure portal, as required, on February 8, 2021. Response pending.

6.3. Compliance Education HIPAA Patient Health Information Breach Review Process (Presenters – Brian Kozik, SVP, Chief Compliance and Privacy Officer, Leslie Hernandez Director, Privacy and Data)

Ms. Hernandez introduced Ms. Sophonie Ulysse, Senior Privacy Specialist, to co-present the Privacy Investigation Policy Overview.

The presentation highlighted:

- Protected Health Information (PHI).
- HIPAA breach of PHI.
- Breach of security – Florida Information Protection Act (FIPA).
- Breach exceptions.
- Risk assessment facts to consider.
- Notification requirements.
- Reporter and type of incidents reported.
- Investigation steps.
- Content in notification sent to affected patient.

7. ADJOURNMENT

There being no further business on the agenda, the Chair adjourned the meeting at 2:02 p.m.

Respectfully submitted,

Commissioner Marie C. Waugh, Secretary/Treasurer